

1 Honorable Marsha J. Pechman
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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 SEATTLE, WASHINGTON

12 FRANCIS TOLENTINO,

13 Plaintiff,

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15 vs.
16 U.S. CITIZENSHIP &
17 IMMIGRATION SERVICES,
18 an agency of the United
19 States government; et al.,

20 Defendants.

21 CASE NO. 2:16-CV-00451

22 PLAINTIFF'S
23 UNOPPOSED MOTION TO
24 VOLUNTARILY DISMISS

25 Note on Motion Calendar:
26 December 1, 2017

27 Plaintiff, Francis Tolentino, through counsel,
28 respectfully motions this Court for permission,
29 pursuant to FRCP 41(a), to voluntarily dismiss this

30 Plaintiff's Motion for Voluntary Dismissal - 1

WILLIAM FRICK
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1 case, with prejudice, regarding the USCIS decision
2 dated January 19, 2017, and without prejudice to
3 future actions based upon a future-filed USCIS
4 petition.
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7 Plaintiff has recently retained new legal counsel
8 in the Philippines who, on information and belief, will
9 be presenting Plaintiff's case to the Philippines Inter-
10 Country Adoption Board (ICAB), and seeking approval
11 from that organization, despite the impediments to
12 approval that were identified by previous his legal
13 counsel in the Philippines, and have been alleged by
14 the Complaint in this case.
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19 A newly-available ruling by the ICAB – obtained
20 by newly-retained counsel – will allow Mr. Tolentino
21 the opportunity cure the issues in dispute in this case,
22 and re-file a new international adoption application
23 with the USCIS.
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Plaintiff's Motion for Voluntary Dismissal - 2

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1 For the above-stated reason Plaintiff respectfully
2 asks the Court to grant voluntary dismissal of this
3 action, without prejudice to a future action, based upon
4 a newly-filed USCIS application seeking to obtain an
5 immigrant visa for his daughter.

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7 Having conferred with opposing counsel, I am
8 able to represent that Defendants consent to voluntary
9 dismissal as set forth in this motion.

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15 RESPECTFULLY SUBMITTED on this

16 13th day of November 2017.

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20 /s/

21 William Frick
22 Law Office of William Frick
23 719 Second Avenue Suite 701
24 Seattle, Washington 98104
25 (206) 286-0167
26 (206) 770-7215 – Fax
27 E-mail: william@crossborders.us
28 Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the attorney(s) of record for the defendant:

Trial Attorney
U.S. Department of Justice
Office of Immigration Litigation
P.O. Box 868
Ben Franklin Station
Washington, D.C. 20044
202-307-4469 (tel.)
202-305-7000 (fax)

DATED this 13th day of November 2017.

S

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Plaintiff's Motion for Voluntary Dismissal - 4

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ORDER

Plaintiff's Motion For Voluntary Dismissal is granted.

This matter is dismissed with prejudice to the specific USCIS visa application in dispute in this case dated January 19, 2017, but without prejudice to potential appeals of future applications seeking an immigrant visa for Plaintiff's child.

The Clerk is directed to send copies of this Order to all counsel of record.

DATED this 14 day of November,
2017.



HONORABLE Marsha J. Pechman

HONORABLE Marsha J. Pechman

Plaintiff's Motion for Voluntary Dismissal - 5

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